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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,655	01/29/2004	Eugen Wilde	304-821	5391
30448	7590	10/28/2004	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			PAIK, SANG YEOP	
			ART UNIT	PAPER NUMBER

3742

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,655

Applicant(s)

WILDE ET AL.

Examiner

Sang Y Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 7 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for providing a maximum power of 2200 watts in the combined areas of area 17 and area 19, does not reasonably provide enablement for the maximum power output of 2500 watts. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, it is unclear what would constitute a "standard basic power", and it is also unclear what is the power output for such standard basic power that would be distinguished from the maximum power in the first area. Furthermore, there is no proper antecedent basis for "the standard basic power".

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWilliams (US 4,350,875).

McWilliams show a heating device having a plurality of heating areas including a first area and a second area with an excess temperature protection such as a rod sensor to extend into the first area to measure the heating temperature of the first area, and the second area is operated without monitoring by the rod sensor as the rod sensor is thermally shielded from the second area. It is also shown that the first and the second areas arranged concentrically in circular with the second area surrounding the first area. However, McWilliams does not show that the second area has the maximum surface heating power of 2.5 watt per square centimeter.

McWilliams teaches that the second area does not require monitoring by the rod sensor since the second area is provided with a heating element having a lower power output, 800 watt, which does not pose the danger to the heating device from overheating and thus to keep damages from a glass ceramic cooktop under which these heating areas are provided.

While the claimed surface heating power is not disclosed, it would have been obvious to one of ordinary skill in the art to set the second are surface heating within the claimed range or

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any other suitable power range, including 600 watt, to keep the temperature range low to prevent overheating or damaging to the glass ceramic cooktop without the use of the rod sensor.

7. Claims 6-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McWilliams as applied to claims 1-5, 9, 10, 13 and 14 above, and further in view of Higgins (US 6,081,149).

McWilliams shows the heating device claimed except the maximum power in the first area is more than the standard basic power or switching the basic power to the total maximum power.

Higgins show a first heating area which includes heating elements 9 and 10 that are each capable of producing 1050 watts and 1150 watts, respectively, and when these heating elements are switched on together with a control, a maximum power of 2200 watts would be produced. Higgins further teaches that the control can by any well known switch that can connect or relay the heating elements in varying stages or states that would produce the maximum power output.

In view of Higgins, it would have been obvious to one of ordinary skill in the art to adapt McWilliams with the first area having heating elements that are each capable of providing its own basic power and a control switch including an electronic control switch that is capable of connecting or relay the heating elements to produce a maximum power output.

With respect to claim 7, it would have been obvious to set the first area power and the size of the diameter within the claimed range since such range and size would have been dependent upon one's desires to produce to a desired heating capacity as varying power capacities and sizes would produce varying heating or cooking rates.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 703-308-1147. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Y. Paik

Sang Y Paik
Primary Examiner
Art Unit 3742

syp